

## REMARKS

Favorable reconsideration and withdrawal of the rejection set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

### Claims Status

Claims 1 through 6 remain pending in the application. Claims 1 and 3 through 5 have been amended to even more succinctly define the invention and/or to improve their form. It is respectfully submitted that no new matter has been added. Claim 1 is the only independent claim pending in the application.

### Rejection

Claims 1 through 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Notani, et al.

The rationale underlying the rejection is succinctly set forth in the Official Action.

### Response to Rejection

The rejection is respectfully traversed.

Amended Claim 1 calls for an image forming apparatus that includes a developing device containing developer including toner and carrier, the developing device having a first chamber for developing an electrostatic image formed on an image bearing member, and a second chamber constituting a developer circulating route between the second chamber and the first chamber; a carrying member rotatably provided in the second chamber for carrying the developer; a rotary member holding the developing device and rotatable in a route including a developing position; supplying means for supplying the developer to the developing device, which is in the developing position; an opening

provided in the second chamber for outwardly discharging therethrough excess developer resulting from the supply of the developer; an opening and closing member for opening and closing the opening by operation of gravity with the rotation of said rotary member; and a wall portion provided in the second chamber and being opposite to a space created by an opening of the opening and closing member near the opening and closing member on a side of the opening and closing member, the wall portion protruding toward an inside of the second chamber.

The invention relates to a structure for discharging developer from a developing apparatus when the developing apparatus rotates. According to the invention, even if a developing device is rotated, an amount of developer accumulated near an opening and closing member can be reduced so that an amount of the discharged developer can be reduced.

Notani, et al. discloses a structure for discharging developer from a developing apparatus when the developing apparatus rotates. Notani, et al. also discloses a shutter (designated by a reference numeral 71 in Figure 27) for opening and closing an opening portion for discharging the developer with the rotation of the developing apparatus. However, Applicant respectfully submits that Notani, et al. does not disclose the feature of “a wall portion provided in said second chamber and being opposite to a space created by an opening of said opening and closing member near said opening and closing member on a side of said opening and closing member, said wall portion protruding toward an inside of said second chamber” as recited in amended Claim 1.

As shown in the diagram kindly provided by the Examiner at page 3 of the Official Action, the wall portion W2 identified by the Examiner may be described as protruding

toward an inside of chamber R2. However, wall portion W2 is not provided in the second chamber and being opposite to a space in the chamber created by an opening of the opening and closing member 71 identified by the Examiner. Rather, wall portion W2 is disposed below a space created by an opening of the opening and closing member 71. In Notani, et al., excess developer is not acted on in the same manner as in the claimed invention. Accordingly, Notani, et al. does not have the advantages of the claimed invention.

It is respectfully submitted that Notani, et al. does not disclose an expressly-claimed feature and does not anticipate amended Claim 1.

#### Dependent Claims

Claims 2 through 5 depend either directly or indirectly from Claim 1 and are allowable by virtue of their dependency and in their own right for further defining Applicant's invention. Individual consideration of the dependent claims is respectfully requested.

#### Closing Comments

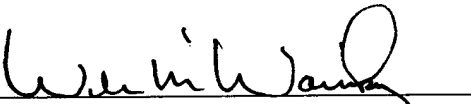
It is respectfully submitted that the pending claims are allowable over the art of record and that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the present application are earnestly solicited.

This Amendment could not have been presented earlier in the prosecution, inasmuch as it was earnestly believed that the claims heretofore on file were in condition for allowance. No new claims have been added. It is believed that the Examiner's familiarity with the present application will allow full consideration hereof without the expenditure of undue time and effort.

Favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

  
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